

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF LABOR STANDARDS ENFORCEMENT
Headquarters Office
P. O. Box 420603
San Francisco, CA 94142
(415) 703-4810
(415) 703-4807 *fax*



GUIDELINES FOR ACCESSIBILITY OF PUBLIC RECORDS
OF THE
DIVISION OF LABOR STANDARDS ENFORCEMENT

1. Public records are open to inspection at all times during regular office hours. The office hours of this Division are from 8:00 a.m. to 5:00 p.m., Monday through Friday, except state and federal holidays.

2. Requests to inspect and/or copy public records of this Division should be directed to:

Helen Morales
Division of Labor Standards Enforcement
455 Golden Gate Ave., 9th Floor
P. O. Box 420603
San Francisco CA 94142
(415) 703-4810

3. The Division's contact person will respond to the party requesting the public records stating whether the Division will comply with the request as soon as possible within 10 calendar days from receipt of the request unless an extension for up to 14 working days is reasonably necessary for the proper processing of the particular request for any reasons set out in Government Code § 6253:

- (a) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
- (b) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request.
- (c) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.
- (d) The need to compile data, to write program language or a computer program, or to construct a computer report to extract data.

4. It is not necessary for a request for documents to be made in writing. However, to expedite your request and to eliminate opportunities for error, the Division will request that a request be put in writing, with a request form that can be provided for that purpose if necessary with as much detail as possible to identify specifically the records you are requesting. Requests should reasonably describe identifiable records prepared, owned, used or retained by the Division of Labor Standards Enforcement. The intake staff is available to assist you in identifying the records in the control of the Division based on your description. The Division is not required by law to create a new record or list from an existing record.

5. If the Division decides that certain information will not be disclosed, written notification will be provided to the requester stating the reasons for the decision accompanied by the name and title of the person making the decision.

The Division shall justify withholding any record by showing that the record in question is exempt under an express provision of the Public Records Act or that under the facts of the particular case, the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record.

6. Copies of any specifically described and identified public record not exempt from disclosure will be made as soon as practicable upon request. The charge for photocopies is \$.19 per page. Reasonable restrictions may be placed on general requests for voluminous classes of documents, restricting copies to specific requests for copies of specific documents.

7. Records stored by the Division in electronic format will be provided in the same electronic format when requested by any person. Direct costs incurred by the Division in providing certain electronic data, including direct costs of redacting confidential information or information not otherwise subject to disclosure, shall be paid by the recipient. The Division is not required to produce records in an electronic format when the requested records are not available in electronic format at the time of the request.

8. Under the Public Records Act, there are various categories of records the Division is not required to disclose. In accordance with the exemptions set forth in the Public Records Act, the Division will not disclose the following types of records:

Any raw draft of the hearing officer's decision including any written summary, contemporaneously written by the hearing officer, at the time of the hearing. Govt. Code § 6254 (a)

Records relating to pending litigation (a court action filed in which the Division is a party, and records were prepared for use or in connection with the litigation). Govt. Code § 6254 (b)

Records comprised of personnel, medical or similar files the disclosure of which would constitute the invasion of personal privacy. Such records, however, will be disclosed to a requesting party if those records concern that party or if the requesting party has provided the Division with written authorization for such disclosure. Govt. Code § 6254 (c)

Records containing an individual's social security number, drivers license number or home telephone number. Govt. Code §§ 6254 (c), and 6255

Records provided by the Department of Justice and any other state or local police or law enforcement agency compiled for criminal law enforcement or licensing purposes. Govt. Code § 6254 (f)

Records, including Deputy notes concerning an investigation conducted for criminal law enforcement or licensing purposes. Govt Code § 6254 (f)

Records containing test questions or answers on licensing examinations. Govt Code § 6254 (g)

Records the disclosure of which is prohibited or exempted pursuant to federal or other California statutes. Govt. Code § 6254 (k), for example:

- (1) Discrimination complaint to Division of Labor Standards Enforcement, confidentiality of witnesses, Section 98.7, Labor Code
- (2) Equal wage rate violation, confidentiality of complaint, Section 1197.5, Labor Code
- (3) Confidentiality of payroll records (public works), Section 1776, Labor Code

Records that are subject to attorney client privilege under the California Evidence Code. This covers all communications and notes detailing those communications between Division attorneys and Division non-legal staff. Govt. Code § 6254 (k)

9. Other information (such as a complainant's name and address) may be withheld if, and only if, under the facts of the particular case, the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record. Govt. Code § 6255

10. Records maintained by the Division shall be disclosed, upon request, to a district attorney or to another law enforcement or regulatory agency, when such records are required for an investigation of unlawful activity or for licensing or regulatory purposes. Civil Code § 1798.24 (o)